

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

Case No. 1:14-cv-13510-RWZ

MDL No. 1:13-md-2419-RWZ

**AGREEMENT REGARDING DISTRIBUTION OF SETTLEMENT PROCEEDS**

This Agreement Regarding Distribution of Settlement Proceeds ("Agreement") is made and entered into this 26<sup>th</sup> day of May, 2017, by and between Marybeth Depoy and Abigail Depoy.

1. We, Marybeth Depoy and Abigail Depoy, are the only statutory beneficiaries of the wrongful death estate (the "Estate") of Kathy W. Sinclair, deceased, pursuant to Va. Code § 8.01-53 (the "Statutory Beneficiaries"). We are the only children of Kathy W. Sinclair, deceased, and Kathy W. Sinclair was not married at the time of her death. We are both over the age of 18 years.

**The Insight Imaging Virginia Litigation**

2. We are aware of the facts and circumstances of the lawsuit pending in the United States District Court for the District of Massachusetts styled Sharon W. Bishop, Executor of the Estate of Kathy W. Sinclair v. Insight Health Corp., Image Guided Pain Management, P.C., John M. Mathis, M.D., and Robert F. O'Brien, M.D., Case No. 1:14-cv-13510-RWZ. Sharon W. Bishop, Executor of the Estate of Kathy W. Sinclair, deceased, executed a settlement agreement on behalf of the Estate in 2015 resolving those claims (the "Settlement Agreement") on behalf of

the Estate. We are aware that the Settlement Agreement has been approved and confirmed as part of the Third Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. (the “Plan”) as well as by order of the U.S. District Court for the District of Massachusetts.

3. We are aware that the gross amount of approximately \$836,432.13 has been awarded to the Estate under the First Amended Insight Claims Resolution Facility Procedures (“ICRF”). Additional de minimis distributions may be approved in the future, and this agreement and the allocations reflected herein will apply to such future payments as well.

The NECC National Settlement Fund

4. We are aware that an additional gross amount of \$142,913.10 has been awarded to the Estate as an initial payment from the National Settlement Administrator pursuant to Section VIII of the Claims Resolution Facility Procedures. We are aware that additional payments may be approved in the future, and this agreement and the allocations reflected herein will apply to such future payments as well.

5. We are aware that the gross amount of the two awards combined is approximately \$979,345.23 (the “Current Gross Award”).

6. We are aware that attorney fees are 40% of the gross award and total \$391,738.09 on the Current Gross Award, that the expenses associated with litigation of this case are approximately \$23,059.72, and that there are outstanding liens in the total amount of \$126,794.80 remaining to be paid, resulting in a current net award of \$437,752.62.

7. We are aware that pursuant to Va. Code § 8.01-53 we are the only individuals who are potentially able to receive a portion of the settlements in this case, and we have reached an agreement regarding distribution of the net proceeds of the settlements. Accordingly we

agree that following payment of attorney fees and expenses, and enforceable liens, the remaining net proceeds should be apportioned as follows:

- a. To Marybeth Depoy: 50%
- b. To the Abigail Depoy Special Needs Trust: 50%

8. We ask that the Court approve the settlement and the distribution thereof under the terms reflected herein, subject to the payment of any valid and legally enforceable liens. Our notarized signatures below are evidence of this approval.

9. We waive notice and the opportunity to participate in any hearing conducted by the Court regarding this matter.

10. We agree that this agreement may be signed in counterparts, and is governed by Virginia law.

Abigail Depoy  
Abigail Depoy

COMMONWEALTH OF VIRGINIA )

CITY OF ROANOKE )

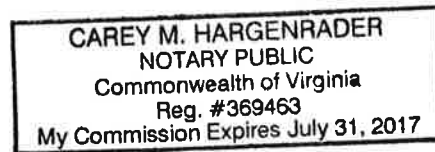
To-wit: )


Subscribed and sworn to before me, the undersigned Notary Public, this 26<sup>th</sup> day of May, 2017, by Abigail Depoy.

Carey M. Hargenrader  
Notary Public

My commission expires: July 31, 2017

Registration No.: 369463



  
Marybeth Depoy

COMMONWEALTH OF VIRGINIA

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To-wit:

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CITY OF ROANOKE

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Subscribed and sworn to before me, the undersigned Notary Public, this 26<sup>th</sup> day of May, 2017, by Marybeth Depoy.

  
Notary Public

My commission expires: July 31, 2017

Registration No.: 369463

